

## Committee on Government Administration and Elections

### An Act Concerning the Conveyance of Certain Parcels of State Land Raised Bill No. 5520

#### Testimony Submitted by Staff of the Connecticut River Gateway Commission

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Mr. and Madam Chairmen and members of the Committee, thank you for the opportunity to present testimony on behalf of the Connecticut River Gateway Commission regarding Raised Bill No. 5520. Although I usually don't read my testimony before legislative committees, I will do so here because of the importance of this testimony.

My name is J. H. Torrance Downes, Senior Planner with the Connecticut River Estuary Regional Planning Agency, one of 15 regional planning organizations in the State and Primary Staff for the Connecticut River Gateway Commission. My testimony is presented on behalf of the CT River Gateway Commission. My job in testifying is to establish for the record who the Gateway Commission is, state its mission in protecting the "*natural and traditional riverway scene*" and to briefly describe the methods in which the Commission is authorized to pursue its mission. You will also hear testimony from the current Chairman of the Gateway Commission, Dr. Melvin Woody, a member of the Commission since its inception in 1973 – over 37 years. Dr. Woody will testify as to the Gateway Commission efforts in its preservation mission and provide the Commission's position regarding Raised Bill No. 5520. It is noted for the record that the Gateway Commission derives its substantial authority from Sections 25-102a through 25-102s of the Connecticut General Statutes.

The Gateway Commission has been in existence since 1973 and came out of a failed Federal effort to establish a recreational/conservation National Park along the entire 410 mile length of the Connecticut River from Canada to the mouth of the river at Long Island Sound. Although the federal effort was eventually abandoned as a result of state opposition in all four states through which the Connecticut River passes (Vermont, New Hampshire, Massachusetts and Connecticut), insightful residents in the lower Connecticut River valley saw the importance of protecting the lower river, especially from the standpoint of the visual protection of the "*natural and traditional riverway scene*".

The Gateway Commission is a regional "compact" that includes as its members the eight towns along the river from Haddam and East Haddam south to Old Saybrook and Old Lyme at Long Island Sound. Section 19 of Raised Bill No. 5520 includes the proposed conveyance of a 17 acre parcel from the Connecticut Department of Environmental Protection to a private developer adjacent to the Connecticut River in Haddam. The proposed conveyance referred to in Section 19 of Bill 5520 occurs within the "Gateway Conservation Zone", the area within which the Commission has its authority. The Conservation Zone, defined in Section 25-102c CGS, is best described as that area which can be seen when looking from the river up to the first ridge.

Section 25-102a CGS describes the mission of the Gateway Commission as established by the General Assembly:

**Public interest in lower Connecticut River.** It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and

to prevent deterioration of the natural and traditional riverway scene for the enjoyment of present and future generations of Connecticut citizens and that the powers of the Commissioner of Environmental Protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state.

The legislative mission of preventing the deterioration of the “*natural and traditional riverway scene*” in this highly celebrated river cannot be understated. With awards such as the environmental designations of the international Ramsar Treaty as a “Wetlands of International Significance”, one of “40 Last Great Places” by The Nature Conservancy, the establishment of the “Silvio Conte Wildlife Preserve” by the U.S. Fish & Wildlife Service and the national designation of the Connecticut as one of fifteen “American Heritage Rivers” in the entire United States, clearly the river is of great importance, not only from an ecological point, but from a scenic and economic perspective as well.

The Gateway Commission is authorized by statute to protect the viewshed of the lower Connecticut River in two primary manners:

- (1) through the establishment and adoption of development standards that are adopted into the Zoning Regulations of each of the eight member towns, and
- (2) acquisition of properties, either in fee or through conservation easement.

First, the standards of the Gateway Commission, which include rules governing building footprints, building heights, setbacks and the clearing of trees, endeavor to manage development with an eye toward having what is primarily residential fit the land with a minimum of visual impact rather than disrupting the landscape to fit a particular architectural design. This includes minimizing the removal of visually buffering trees. Second, the Commission is authorized to purchase or receive donations of land within the Conservation Zone for the purpose of open space preservation, which in turn, preserves the “*natural and traditional riverway scene*”.

Since 1973, the Gateway Commission has either acquired, or participated in the acquisition of, over 1000 acres of conservation land within the Conservation Zone, spending more than \$1,000,000 of their own funds. Clearly, the Commission puts their money where their mouth is when it comes to their mission of preservation. This second method of carrying out its mission is where the concern over Raised Bill No. 5520, Section 19 is found.

With respect to the 17 acre, CTDEP-owned parcel that would be conveyed for development purposes, the initial acquisition of this land for conservation purposes by the State of Connecticut for over \$1.3 million is an unavoidable indication that there appeared to be an important reason for such a decision. The State does not spend that kind of money without a complete and exhaustive record substantiating the purchase.

Further, the recorded deed for the property states that the 17-acre parcel, “*a prime natural feature of the Connecticut landscape, has high priority recreation, fishery, and conservation value, and is consistent with the state's comprehensive plan for outdoor recreation and the state plan of conservation and development, and should be retained in its natural scenic or open condition as*

park or public open space [emph. added] . .". In the face of this verbiage, returning this "prime natural" parcel to development appears directly opposed to its original conservation purpose.

The crux of the matter that is the subject of Section 19 of Raised Bill No. 5520 is twofold:

- (1) There is great concern over returning 17 acres of any visible Conservation Zone land from protected open space back to developable land, especially when an effort was made by the State of Connecticut to preserve it in the first place.
- (2) Removing protected open space from the Gateway Conservation Zone and replacing it with open space that is NOT within the Conservation Zone, as is the case in this conveyance, is a net loss to that "*natural and traditional riverway scene*" from the perspective of the Gateway Commission and its statutory mission.
- (3) Even if development under these specific set of circumstances is seen as acceptable and beneficial by some measures, significant concern *still* exists over potential ramifications to conservation organizations such as the Gateway Commission who depend upon donations of land to pursue their preservation missions. **If those who donate land for conservation purposes can not trust that their donations will *remain* in conservation "in perpetuity", they may not donate the land in the first place. There MUST be confidence that, when land is donated for conservation purposes, it won't end up being sold or traded for development at sometime in the future, no matter HOW good the intentions are.** In the early days of the Gateway Commission's work, they ran into just this sort of skepticism, so this is not a speculative issue.

In summary, although there may be some specific community benefits to this particular conveyance, it is incumbent upon this committee to consider the broader implications of conveying conservation land owned by the State of Connecticut for development. Not only would this action run counter to the State Plan of Conservation and Development (which was cited as a reason for the State's purchase of this land for conservation in the first place), it sends a message to the general public that, no matter what is represented, donated conservation land could ultimately be returned to development when circumstances suit. Such an action is a threat to conservation efforts statewide.

In addition, removing a substantial and highly visible piece of open space located within the Gateway Conservation Zone from conservation is in direct opposition to the 37-year Connecticut River Gateway Commission statutory mission to prevent the deterioration of the "*natural and traditional riverway scene*" for present and future residents of the State of Connecticut. The Gateway Commission believes that every preserved parcel is important to their mission; they are already keenly sensitive to the consequences inherent in the "cut of one thousand knives".

Thank you for the opportunity to present testimony on behalf of the Connecticut River Gateway Commission. If you should require any additional information, please contact me, J. H. Torrance Downes at 860-388-3497 or [jhtdownes01@yahoo.com](mailto:jhtdownes01@yahoo.com) .

I am available for questions.